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Attorneys for Defendant Intuit Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

INTER-MARK USA, INC., individually
and on behalf of all persons similarly
situated,

Plaintiff,

v.

INTUIT INC.,

Defendant.

Case No. C 07-04178 JCS

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING BRIEFING
SCHEDULE ON DEFENDANT INTUIT
INC.'S MOTION TO DISMISS
PLAINTIFF'S CLASS ACTION
COMPLAINT PURSUANT TO RULE
12(b)(6)**

Date: February 8, 2008
Time: 9:30 a.m.
Dept: Courtroom A , 15th Floor
Judge: Hon. Joseph C. Spero

1 WHEREAS, on September 27, 2007, Defendant Intuit Inc. (“Intuit”) filed a Motion to
2 Dismiss Plaintiff’s Class Action Complaint Pursuant to Rule 12(b)(6) (“Motion to Dismiss”) in
3 the above-entitled action, which Defendant set to be heard on November 9, 2007;

4 WHEREAS, on October 11, 2007, this Court reset the hearing on the Motion to Dismiss
5 to February 8, 2008 at 9:30 a.m., but the briefing schedule was not reset;

6 WHEREAS, on October 17, 2007, pursuant to the Parties’ stipulation, the Court entered an
7 Order extending the deadline for Plaintiff to oppose the Motion to Dismiss to November 2, 2007,
8 and the deadline for Intuit to reply to November 16, 2007;

9 WHEREAS, Plaintiff requested that Intuit extend Plaintiff’s deadline to oppose the
10 Motion to Dismiss until November 15, 2007, and proposed that Intuit’s deadline to reply also be
11 extended;

12 WHEREAS, counsel for Intuit have multiple scheduling conflicts including trial, trial
13 preparation, and holiday travel during November and December 2007;

14 ACCORDINGLY, Plaintiff Inter-Mark USA, Inc. and Defendant, by and through their
15 counsel of record, all subject to the approval of this Court, hereby stipulate as follows:

16 The parties have met and conferred in good faith and agreed to extend the briefing
17 schedule of Defendant’s Motion to Dismiss as follows:

- 18 • Plaintiff’s Opposition shall be due by or on **November 15, 2007**; and
- 19 • Defendant’s Reply shall be due by or on **January 15, 2008**.

1 Dated: November 2, 2007

Fenwick & West LLP

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3 By: /s/ Rachael G. Samberg
4 Rachael G. Samberg

5 Attorneys for Defendant
6 Intuit Inc.

7 Dated: November 2, 2007

Folkenflik & McGerity

8
9 By: /s/ Max Folkenflik
10 Max Folkenflik

11 Attorneys for Plaintiff
12 Inter-Mark USA, Inc.

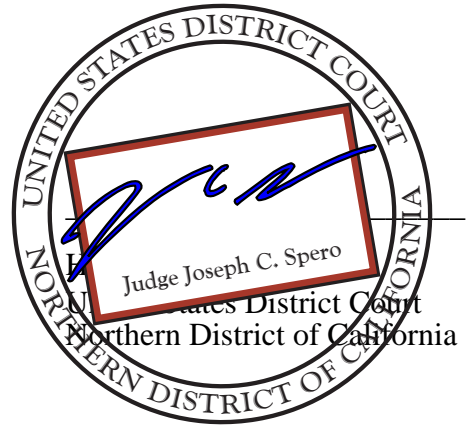
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MOUNTAIN VIEW

ORDER

GOOD CAUSE appearing therefore,

IT IS SO ORDERED.

Dated: November 2, 2007



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